

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ANIKA & ASSOCIATES, INC.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:20-cv-386-CWR-LGI

LANDMARK AMERICAN
INSURANCE COMPANY

DEFENDANT

ORDER ISSUING UPDATED PROCEDURES FOR SETTLEMENT CONFERENCE

Due to the current COVID-19 public emergency,¹ this Court hereby UPDATES its current procedures for settlement conferences to reflect that the Settlement Conference currently scheduled in this matter will take place via videoconference for all attendees, rather than in person or by telephone. To facilitate this modification, the Court hereby ORDERS as follows:

1. The Court will use its official Zoom video conferencing account to hold the Settlement Conference.
2. Zoom's functionalities will allow the Court to conduct the Settlement Conference as it ordinarily would conduct an in-person one. As with an in-person Settlement Conference, counsel as well as party representatives are required to be present and must remain available until excused by the Court. **Further, all participants must have their video cameras activated for the duration of the Settlement Conference.**
3. Prior to the start of the Settlement Conference, the Court will provide a link to join the Zoom video conference. The link will be sent to the email addresses listed on the

¹ On March 13, 2020, Chief Judge Daniel P. Jordan III entered *Special Order re COVID-19 Coronavirus* in response to the COVID-19 public emergency, which, among other things, encourages all judges and counsel "to utilize videoconferencing and teleconferencing to the extent possible to avoid unnecessary disruption in the cases." *See Special Order* at ¶6, which is available on the Court website, along with subsequent and superseding Special Orders.

Court's docket for counsel. **It is the responsibility of counsel to provide the link to parties and/or party representatives.**

4. No later than three (3) days prior to the Settlement Conference, counsel for each party shall send an e-mail containing the following information to the Court at isaac_chambers@mssd.uscourts.gov:
 - a. The name and title of each participant, including all parties and party representatives with full settlement authority, claims adjusters for insured defendants, and the primary attorney(s) responsible for the litigation; and
 - b. A direct dial or mobile telephone number where each participant may be reached so that if technical difficulties arise, the Court has the option to proceed telephonically instead.
5. If you are unfamiliar with Zoom, please note the following:
 - a. Zoom is available on computers through a download on the Zoom website (<https://zoom.us/meetings>) or on mobile devices through the installation of a free app.
 - b. Joining a Zoom conference does not require creating a Zoom account, but it does require downloading the .exe file (if using a computer) or the app (if using a mobile device).
 - c. Participants are encouraged to create an account, install Zoom and familiarize themselves with Zoom in advance of the Settlement Conference.²
 - d. There is a cost-free option for creating a Zoom account.
6. If possible, participants are encouraged to use laptops or desktop computers for the

² For help getting started with Zoom, visit <https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>.

video conference, as mobile devices often offer inferior performance. Participants shall join the video conference by following the ZoomGov Meeting hyperlink in the invitation. Participants who do not have Zoom already installed on their device when they click on the ZoomGov Meeting hyperlink will be prompted to download and install Zoom before proceeding. Zoom may then prompt participants to enter the password included in the invitation.

7. Each participant should plan to join the Zoom video conference at least fifteen minutes before the start of the Settlement Conference to allow sufficient time to address any technical difficulties and to ensure that the Settlement Conference can begin promptly.
8. The Court will divide participants into separate, confidential sessions, which Zoom denotes as Breakout Rooms.³ In a Breakout Room, the Court will be able to communicate with participants from a single party in confidence. Breakout Rooms will also allow parties and counsel to communicate confidentially without the Court.
9. All participants shall display the same level of professionalism during the Settlement Conference as if they were attending in person, including devoting their full attention to the Settlement Conference, e.g., participants should not be driving or overtly handling other matters while speaking to the Court. Because Zoom may quickly deplete the battery of a participant's device, each participant should ensure that their device is plugged in or that a charging cable is readily available during the Settlement Conference.

³ For more information on what to expect when participating in a Zoom Breakout Room, visit <https://support.zoom.us/hc/en-us/articles/115005769646>.

10. All other deadlines and requirements set forth in the Court's Initial Case Management Order or any subsequent Orders amending the Initial Case Management Order or resetting the Settlement Conference remain in place, except as explicitly modified by this order.

SO ORDERED this the 15th day of April, 2021.

/s/ LaKeysha Greer Isaac
UNITED STATES MAGISTRATE JUDGE